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STRIKER, STRIKER & STENBY
103 East Neck Road
Huntington, NY 11743

EXAMINER

TALBOT, MICHAEL

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,756

Applicant(s)

HOFFMANN ET AL.

Examiner

Michael W. Talbot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-7,9 and 11-13 is/are allowed.
- 6) ☒ Claim(s) 10 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

The amendment to the abstract should be filed separately (i.e. on a separate sheet of paper with its own title) from the amendment to the specification to eliminate confusion and to improve clarity of the submitted amendment.

Specification

1. The disclosure is objected to because of the following informalities:

Refer to page 1, line 3, the phrase "German Patent Disclosure DE 10109474 A1" is incorrectly referenced as prior art as it does not even disclose a quick-action chuck as described in the application on page 1. It is best understood that the Applicant intended for the German Patent Disclosure reference to be DE 10109490 A1 in lieu of DE 10109474 A1. Therefore, the phrase "German Patent Disclosure DE 10109474 A1" should be changed to read --German Patent Disclosure DE 10109490 A1--

Appropriate correction is required.

Claim Objections

2. Claims 1 and 14-16 are objected to because of the following informalities:

Claim 1 recites the limitation "the device" in line 6. There is insufficient antecedent basis for this limitation in the claim. For examination purpose, it is best understood that "the device" should read --the at least one device--.

Claim 14 recites the limitation "the device" in line 6. There is insufficient antecedent basis for this limitation in the claim. For examination purpose, it is best understood that "the device" should read --the at least one device--.

Claim 15 recites the limitation "the device" in line 5. There is insufficient antecedent basis for this limitation in the claim. For examination purpose, it is best understood that "the device" should read --the at least one device--.

Claim 15 recites the limitation "the base body" in lines 8 through 9. There is insufficient antecedent basis for this limitation in the claim. For examination purpose, it is best understood that "the base body" should read --a base body--.

Claim 16 recites the limitation "the device" in line 5. There is insufficient antecedent basis for this limitation in the claim. For examination purpose, it is best understood that "the device" should read --the at least one device--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Wezel '457. Wezel '457 shows in Figures 1-3 a power tool comprising a quick-action chuck (1) having an actuating element (4,7) and a control device including at least one means (7c) for controlling at least one locking device (10) to bring about a positive engagement connection. Wezel '457 shows the locking device being rotatable (moving about longitudinal slits 10b out of engagement with teeth 1c) relative to a base body (1a) for bring about positive engagement connection. Wezel '457 shows the actuating element can be operatively uncoupled from the locking device over at least one actuation region (col. 4, lines 54-59). Wezel '457 shows the actuating element is rotatably supported (col. 4, lines 10-18) for chucking the tool (6). Wezel '457 shows the actuating

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element being supported displaceably in the axial direction (col. 4, lines 10-13 and col. 4, lines 6-17). Wezel '457 shows the spring means (10b) for chucking the tool having an essentially annular shape (Fig. 2).

5. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Barton et al. '016. Barton et al. '016 shows in Figures 2-4 a power tool comprising a quick-action chuck (20) having an actuating element (22) and a control device including at least one means (68,60,66,86) for controlling at least one locking device (80,83) to bring about a positive engagement connection. Barton et al. '016 shows locking device being rotatable (via connection with 86,66,60,68,22) relative to a base body (26) for bring about positive engagement connection. Barton et al. '016 shows that a tool can be chucked indirectly via a spring means (80,83) that is actuatable by the actuating element. Barton et al. '016 shows the actuating element can be operatively uncoupled from the locking device over at least one actuation region (Fig. 3). Barton et al. '016 shows the actuating element is rotatably supported for chucking the tool. Barton et al. '016 shows the spring means (80,83) for chucking the tool having an essentially annular shape (Fig. 1).

6. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Huggins et al. '840. Huggins et al. '840 shows in Figures 1-4D a power tool comprising a quick-action chuck (10) having an actuating element (60) and a control device including at least one means (30,106) for controlling at least one locking device (70) to bring about a positive engagement connection. Huggins et al. '840 shows the control device being a locking spring (106). Huggins et al. '840 shows that a tool can be chucked indirectly via a spring means (106) that is actuatable by the actuating element (col. 5, lines 16-35). Huggins et al. '840 shows the actuating element is rotatably supported for chucking the tool. Huggins et al. '840 shows the actuating element being supported displaceably in the axial direction (col. 5, lines 16-35). Huggins et al. '840 shows the base body (20) having at least one slide face (29) on which the locking device is

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axially displaceable (forward movement is radial and axial to clamp tool). Huggins et al. '840 shows the spring means (106) for chucking the tool having an essentially annular shape (Fig. 1). Huggins et al. '840 shows at least one chucking jaw (70) loaded in the axial direction in at least one operating position via a spring element (106).

7. Claims 10 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lundin '553. Lundin '553 shows in Figures 1 and 2 a quick-action chuck having an actuating element (26) and a control device including at least one means (14,24) for controlling at least one locking device (23) to bring about a positive engagement connection. Lundin '553 shows the control device being a locking spring (24) having an essentially annular shape wherein the actuating element can be coupled to the base body (10,11) and uncoupled from it via the locking spring (page 1, line 85 through page 2, line 22).

8. Claims 10 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Herbert '959. Herbert '959 shows in Figures 1 and 3 a quick-action chuck having an actuating element (E) and a control device including at least one means (D,E4,F,) for controlling at least one locking device (C) to bring about a positive engagement connection. Herbert '959 shows the control device being a locking spring (D) having an essentially annular shape (Fig. 3) wherein the actuating element can be coupled to the base body (A2,A3,A4,A5) and uncoupled from it via the locking spring (page 1, line 85 through page 2, line 22).

9. Claim 16 is rejected under 35 U.S.C. 102(e) as being anticipated by Mack 2005/0023774. Mack 2005/0023774 shows in Figures 5-7 a quick-action chuck (1) having an actuating element (4,27) and a control device including at least one means (12) for controlling at least one locking device (10) to bring about a positive engagement connection. Mack 2005/0023774 shows a tool can be chucked indirectly via a spring (25) that is actuatable by the actuating element (Fig. 6), wherein the spring has an essentially annular shape (Fig. 6) and at

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least two detents elements (Fig. 6) located circumferentially opposite one another for snapping into the actuating element (at 26).

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Allowable Subject Matter

10. Examiner respectfully disagrees with Applicant's arguments that claim 14 is allowable solely after inclusion of the limitations from claim 1. Claim 14 was originally rejected with the above references and since no further amendments have been made, the previous rejections are maintained.

11. The indicated allowability of claims 9,10 and 12 is withdrawn in view of the newly discovered reference(s) to Lundin '553, Herbert '959 and Mack 2005/0023774. Rejections based on the newly cited reference(s) are as described above.

12. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1,3-7,9 and 11-13 are allowed.

Claim 1 is the sole independent claim.

13. The prior art of record fails to anticipate or make obvious (1) "wherein said base body (32) has at least one slide face (64) on which the at least one locking device (10) is axially displaceable", solely or in combination with, a quick-action chuck having a base body with a set of teeth, an actuating element, a control device, at least one locking device with a corresponding set of teeth for engagement in a locked position with the set of teeth of the base body and chucking jaws.

Wezel '457 is the closest art of record.

Wezel '457 shows in Figures 1-3 a power tool comprising a quick-action chuck (1) having an actuating element (4,7) and a control device including at least one means (7c) for controlling at least one locking device (10) to bring about a positive engagement connection. Wezel '457 shows the locking device being rotatable (moving about longitudinal slits 10b out of engagement with teeth 1c) relative to a base body (1a) for bring about positive engagement connection. Wezel '457 shows the actuating element can be operatively uncoupled from the locking device over at least one actuation region (col. 4, lines 54-59). Wezel '457 shows the actuating element is rotatably supported (col. 4, lines 10-18) for chucking the tool (6). Wezel '457 shows the actuating element being supported displaceably in the axial direction (col. 4, lines 10-13 and col. 4, lines 6-17). Wezel '457 shows the spring means (10b) for chucking the tool having an essentially annular shape (Fig. 2).

Wezel '457 lacks a quick-action chuck having a base body with at least one slide face on which the at least one locking device is axially displaceable.

Although it is well known to have at least one locking body used for engagement with a base body via a "teethed connection" when in a locked position, there is no teaching in the prior art of record that would, reasonably and absent impermissible hindsight, motivate one having ordinary skill in the art to so modify the teachings of Wezel '457, noting that in Wezel '457, the base body (1a) lacks at least one slide face for axial displacement of the at least one locking device (10), since the at least one locking device is only moveable in a radial direction. Thus, for at least the foregoing reasons, the prior art of record neither anticipates nor rendered obvious the present invention as set forth in independent claim 1.

Conclusion


14. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's

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office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MWT
Examiner
29 November 2006



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SUPERVISORY PATENT EXAMINER